



~~December 17, 2002 CPC~~  
~~March 18, 2003 CPC~~  
~~June 17, 2003 CPC~~  
~~September 16, 2003 CPC~~  
~~October 21, 2003 CPC~~  
~~November 18, 2003 CPC~~  
~~December 16, 2003 CPC~~  
~~February 17, 2004 CPC~~  
March 10, 2004 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

02SN0296  
(AMENDED)

Ted A. Williams, Thomas A. Williams,  
Grace M. Williams Trust  
and  
George P. Emerson, Jr.

Bermuda Magisterial District  
South line of East Hundred Road

**REQUEST:** Rezoning from Agricultural (A) to Community Business (C-3) plus proffered conditions on existing property currently zoned Community Business (C-3).

**PROPOSED LAND USE:**

Commercial uses, except as restricted by Proffered Condition 7, are planned.

**PLANNING COMMISSION RECOMMENDATION**

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 4.

AYES: MESSRS. LITTON, WILSON AND GULLEY.

NAY: MR. BASS

ABSTENTION: MR. GECKER.

**STAFF RECOMMENDATION**

Recommend denial for the following reasons:

***Providing a FIRST CHOICE Community Through Excellence in Public Service.***

- A. The proposed zoning and land uses do not conform to the Consolidated Eastern Area Plan which suggests a large portion of the property is appropriate for neighborhood mixed use, to include professional and administrative offices, along with residential developments of varying densities.
- B. The proposed zoning and land uses are not compatible with existing and anticipated development along this portion of the East Hundred Road corridor.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

#### PROFFERED CONDITIONS

- (CPC) 1. Prior to any final site plan approval, the following rights-of-way shall be dedicated, free and unrestricted, to the County of Chesterfield:
  - a. One hundred (100) feet of right-of-way on the south side of Route 10 measured from the centerline of that part of Route 10 immediately adjacent to the property frontage.
  - b. Fifty (50) foot wide rights-of-way for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance: (i) from Route 10 at a location that aligns the crossover on Route 10 which serves Rivers Bend Boulevard, southward along the eastern property line of and to the southern property line of the parcel identified as Tax ID 815-652-0203 (the "North/South Street"); and (ii) from the North/South Street, eastward to the eastern property line (the "East/West Street"). The exact location of these rights-of-way shall be approved by the Transportation Department. (T)
- (CPC) 2. Direct access from the property to Route 10 shall be limited to: 1) the North/South Street; and 2) one (1) entrance/exit (the "Site Access") generally located midway of the property frontage. The exact location of these accesses shall be approved by the Transportation Department. (T)
- (CPC) 3. To provide an adequate roadway system, the owner/developer shall be responsible for the following:
  - a. Construction of an additional lane of pavement (i.e., fourth eastbound lane) along Route 10 for the entire property frontage.

- b. Construction of additional pavement along Route 10 at the North/South Street and at the Site Access intersections to provide a separate right turn lane, based on Transportation Department standards.
- c. Construction of additional pavement along the westbound lanes of Route 10 to provide an adequate left turn lane at the Route 10 crossover that serves the North/South Street. The exact length of this improvement shall be approved by the Transportation Department.
- d. Full cost of traffic signal modification at the North/South Street/Route 10 intersection.
- e. Construction of two (2) lanes of: 1) the North/South Street from Route 10 to the East/West Street; and 2) the East/West Street from the North/South Street to the eastern property line.
- f. Construction of the North/South Street at its intersection with Route 10 as a three-lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes). The exact length of this improvement shall be approved by the Transportation Department.
- g. Dedication, to and for the benefit of Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the right-of-way necessary for the right turn lane at the North/South Street as identified in Proffered Condition 3.b., the developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department. (T)

(CPC) 4. Prior to any final site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 3, shall be submitted to and approved by the Transportation Department. (T)

(CPC) 5. The public water and wastewater systems shall be used. (U)

(CPC) 6. Except for timbering approved by the Virginia Division of Forestry for the purpose of removing dead and/or diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the

Environmental Engineering Department and the approved devices have been installed. (EE)

- (CPC) 7. Only the following uses shall be allowed within 270 feet of the southern property line: (a) offices; libraries; brokerages; churches and or/Sunday schools; convalescent homes, nursing homes and rest homes; group care facilities; museums; nursery schools and child and adult care centers; and customary accessory uses, (b) best management practice facilities and (c) utilities. Further, the East/West Street shall be located a minimum of 270 feet from the southern property line. (P)

### GENERAL INFORMATION

#### Location:

South line of East Hundred Road, east of Rivers Bend Boulevard. Tax IDs 815-651-3676 and 7189 and 815-652-2337, 3334, 3521 and 4930 (Sheet 27).

#### Existing Zoning:

A and C-3

#### Size:

20.4 acres

#### Existing Land Use:

Single family residential or vacant

#### Adjacent Zoning and Land Use:

North - R-15 with Conditional Use Planned Development and C-3 and C-5; Commercial or vacant  
South - R-12 and A; Single family residential or vacant  
East - C-5 and A; Commercial or vacant  
West - C-3 and A; Vacant

### UTILITIES

#### Public Water System:

There is an existing sixteen (16) inch water line extending along the south line of East Hundred Road, adjacent to the site. Use of the public water system is intended and has been proffered. (Proffered Condition 5)

### Public Wastewater System:

There is an existing eighteen (18) inch wastewater trunk line extending along Johnson Creek and across the southern portion of the request site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 5)

## ENVIRONMENTAL

### Drainage and Erosion:

The subject property drains to the south to Johnson Creek. There are no existing or anticipated on-site erosion problems. With the property being wooded and a rather wide RPA to the rear, there should be no timbering of the parcel without an approved Land Disturbance Permit from the Department of Environmental Engineering (Proffered Condition 6). This will insure adequate erosion control measures are in place prior to any timbering.

### Water Quality:

Johnson Creek is a perennial stream and, as such, is subject to 100-foot conservation area (RPA). The RPA encompasses approximately thirty (30) percent of the rear portion of the property.

## PUBLIC FACILITIES

### Fire Service:

The Enon Fire Station, Company Number 6 and Bensley- Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service to this area. The Rivers Bend Fire/Rescue Station, Company Number 18, will provide this service by the end of 2003. This request will have minimal impact on fire and emergency medical service.

### Transportation:

The property (20.4 acres) is currently zoned Agricultural (A) on 19.0 acres and Community Business (C-3) on 1.4 acres. The applicant is requesting rezoning of the 19.0 acres to C-3, and has offered proffers on the existing C-3 property. This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development could generate approximately 10,780 vehicles per day. These vehicles will be distributed along East Hundred Road. (Route 10)

The 2003 traffic volumes along the section of Route 10 from Interstate 95 to Interstate 295 ranges from 40,000 to 45,000 vehicles per day. The volume of traffic on the four (4) lane section of Route 10 between Interstate 95 and Meadowville Road/Old Bermuda Hundred Road intersection exceeds the capacity of the road, and drivers typically experience congestion especially during peak periods. This four (4) lane section of Route 10 is identified as a priority on the Board of Supervisors' list of highway needs. Construction

plans have been approved for widening this section of Route 10. No funds are included in the Virginia Department of Transportation Six-Year Improvement Program for right of way acquisition or construction of this project.

The Thoroughfare Plan identifies Route 10 as a major arterial with a recommended right of way width of 120 to 200 feet. The applicant has proffered to dedicate 100 feet of right of way, measured from the centerline of Route 10, in accordance with the Plan. (Proffered Condition 1.a.)

The Thoroughfare Plan also identifies: 1) a north/south collector (the "North/South Street"), with a recommended right of way width of seventy (70) feet from Route 10, aligning with the Rivers Bend Boulevard intersection, and extending south through the property, across Johnson Creek to several undeveloped parcels; and 2) an east/west special access street (the "East/West Street") with a recommended right of way width of sixty (60) feet parallel to Route 10, extending from the north/south special access street, eastwardly through the property. Due to the impact of Johnson Creek and the anticipated densities of the undeveloped parcels south of Johnson Creek, staff supports elimination of the North/South Street from the East/West Street intersection, southward across Johnson Creek. The applicant has proffered to dedicate a fifty (50) foot wide right of way: 1) for the North/South Street from Route 10, south along the eastern property line of and to the southern property line of the adjacent parcel to the west; and 2) for the East/West Street from the North/South Street to the eastern property line (Proffered Condition 1.b.). North/South Street will align the crossover on Route 10, which serves Rivers Bend Boulevard.

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). Access to major arterials, such as Route 10, should be controlled. The applicant has proffered that direct access from the property to Route 10 will be limited to: 1) the North/South Street; and 2) one (1) entrance/exit (the "Site Access") generally located midway of the property frontage (Proffered Condition 2). The Rivers Bend Boulevard/Route 10 intersection is controlled by a traffic signal. As proffered, the North/South Street will align this intersection. At time of site plan review, staff will recommend that internal access to the North/South Street be located an adequate distance from this signalized intersection.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct an additional lane of pavement (i.e., fourth eastbound lane) along Route 10 for the entire property frontage; 2) construct additional pavement along Route 10 at the North/South Street and at the Site Access intersections to provide a separate right turn lane, based on Transportation Department standards; 3) construct additional pavement along the westbound lanes of Route 10 to provide an adequate left turn lane at the Route 10 crossover that will serve the North/South Street; 4) provide traffic signal modification at the North/South Street/Route 10 intersection; 5) construct two (2) lanes of the North/South and East/West Streets from Route 10 to the eastern property line; and 6) construct the North/South Street at its intersection with Route 10 as a three (3) lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes). (Proffered Condition 3)

The developer may need to acquire "off-site" right of way in order to provide a right turn lane along Route 10 at the North/South Street. According to Proffered Condition 3.g., if the developer is unable to acquire the right of way for this improvement, the developer may request the County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the County chooses not to assist with the right of way acquisition, the developer will not be obligated to acquire the "off-site" right of way, and will only be obligated to construct road improvements within available right of way. (Proffered Condition 3.g.)

At time of site plan review, specific recommendations will be provided regarding access and internal site circulation.

### LAND USE

#### Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests the property is appropriate for neighborhood mixed uses, such as professional and administrative offices, along with residential development of varying densities. The Plan also suggests supporting, neighborhood-scale retail and service uses would be appropriate when part of a mixed use development and when located with access to intersecting transportation corridors. The Plan notes that neighborhood-scale retail and service uses that are not part of a mixed use development of aggregated acreage, that are not under a unified plan of development, and that are not located at intersecting transportation corridors, would be appropriate north of the proposed parallel road to Route 10 if potential increased adverse impacts from such uses on nearby residents are mitigated by transitional uses, or by additional buffering or other design and/or operating features. The Plan also suggests a portion of the property, in the vicinity of the north-south road and Route 10 intersection, would be appropriate for some community-scale commercial uses if potential increased adverse impacts are similarly mitigated.

#### Area Development Trends:

Area properties are zoned and developed for commercial and residential uses as well as vacant agricultural property. The commercial zoning and uses are located along the East Hundred Road frontage. Single family residential uses in Chesterfield Downs Subdivision and vacant agricultural property are located to the south. Additional office and residential development is anticipated in the area, as is suggested by the Plan. There is also the potential for limited commercial development along the East Hundred Road corridor.

#### Uses:

To provide a transition between the commercial uses proposed along East Hundred Road and adjacent residential development to the south, the applicant has agreed to limit uses within 270 feet of the southern property line to a limited number of office uses, BMP facilities and utility uses (Proffered Condition 7). While this proffer addresses staff's concerns relative to

potential increased adverse impacts on the properties to the south, it does not mitigate the impacts to the east, as the Plan suggests.

#### Development Standards:

Currently, the property lies within an Emerging Growth District Area. The Zoning Ordinance specifically addresses access, landscaping, setbacks, parking, signs, buffers, utilities and screening for developments within these areas. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects.

It should be noted, along with consideration of the Consolidated Eastern Area Plan, the Board of Supervisors adopted an Ordinance amendment to encourage and enhance the preservation of tree canopy along the Route 10 corridor, between I-95 and Hopewell, and to further encourage architectural standards that reinforce and compliment area residential development. The Ordinance amendment addresses yard requirements for office, business and industrial districts. In addition, the Ordinance amendment requires the preservation of trees and shrubs along Route 10 to provide continuity and improve buffering, and requires architectural compatibility with area residential development and with buildings within the same project. In addition to the Emerging Growth District standards, this property is affected by these requirements.

#### Buffers and Screening:

Currently, the Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) on property which is adjacent to A or R districts be screened from view of such districts by a masonry or concrete wall which is constructed of comparable materials to and designed to be compatible with the principal building that such area serves. Solid waste storage areas must be screened from view of public rights of way by a solid wall, fence, dense evergreen plantings or architectural feature. Such area within 1,000 feet of any A or R districts shall not be serviced between the hours of 9:00 p.m. and 6:00 a.m. In addition, sites must be designed and buildings oriented so that loading areas are screened from any property where loading areas are prohibited and from public rights of way.

Adjacent property to the south is zoned Residential (R-12) and is occupied by single family residences or is zoned Agricultural (A) with a designation on the Comprehensive Plan for residential uses. With the approval of this request, the Zoning Ordinance would require a minimum seventy-five (75) foot buffer along the southern property boundary of the request site. At the time of site plan review, the Planning Commission may modify this buffer under certain circumstances.

#### CONCLUSIONS

While the Consolidated Eastern Area Plan supports some community-scale commercial uses on a portion of the property at the Route 10/north-south road intersection) if potential increased adverse impacts on nearby residents are mitigated, the applicants have not shown how this is to be achieved.



In addition, the proposed zoning and land uses do not conform to the Consolidated Eastern Area Plan which suggests a large portion of the property is appropriate for neighborhood mixed use, to include professional and administrative offices, along with residential developments of varying densities. The Plan also suggests supporting, neighborhood-scale retail and service uses would be appropriate when part of a mixed use development and when located with access to intersecting transportation corridors. The Plan notes that neighborhood-scale retail and service uses that are not part of a mixed use development of aggregated acreage, that are not under a unified plan of development, and that are not located at intersecting transportation corridors, would be appropriate north of the proposed parallel road to Route 10 if potential increased adverse impacts from such uses on nearby residents are mitigated by transitional uses, or by additional buffering or other design and/or operating features. Mitigation could include: noise attenuation devices; decorative walls; building/parking orientation; location, design and orientation of mechanical equipment and waste receptacles; and hours of operation limitations. The application fails to provide for transitional land uses or other mitigation consistent with the Plan which would support commercial uses on the site.

The proposed zoning and land uses are not compatible with existing and anticipated development along this portion of the East Hundred Road corridor.

Given these considerations, denial of this request is recommended.

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#### CASE HISTORY

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##### Planning Commission Meeting (12/17/02):

At the request of the applicants, the Commission deferred this case to March 18, 2003.

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##### Staff (12/18/02):

The applicants were advised in writing that any significant new or revised information should be submitted no later than January 13, 2003, for consideration at the Commission's March 18, 2003, public hearing. Also, the applicants were advised that a \$140.00 deferral fee must be paid prior to the Commission's public hearing.

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##### Applicant (1/3/03):

The applicants paid the \$140.00 deferral fee.

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##### Staff (2/21/03):

To date, no new information has been received.

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Planning Commission Meeting (3/18/03):

At the request of the applicants, the Commission deferred this case to June 17, 2003.

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Staff (3/19/03):

The applicants were advised in writing that any significant new or revised information should be submitted no later than April 14, 2003, for consideration at the Commission's June 17, 2003, public hearing.

Also, the applicants were advised that a \$140.00 deferral fee must be paid prior to the Commission's public hearing.

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Staff (5/23/03):

To date, no new information has been received.

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Applicants (6/12/03):

The applicants paid the \$140.00 deferral fee.

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Planning Commission Meeting (6/17/03):

At the request of the applicants, the Commission deferred this case to September 16, 2003, to allow time to amend the request and submit additional information.

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Staff (6/18/03):

The applicants were advised in writing that any significant new or revised information should be submitted no later than July 1, 2003, for consideration at the Commission's September 16, 2003, public hearing.

Also, the applicants were advised that a \$140.00 deferral fee must be paid prior to the Commission's public hearing.

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Applicants (6/23/03):

The applicants paid the \$140.00 deferral fee.

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Applicants (8/18/03):

The applicants amended the request by including additional property. In addition, amended proffered conditions were submitted.

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Applicants (8/27/03):

The applicants submitted revised proffered conditions.

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Applicants (9/3/03):

Revised proffered conditions were submitted.

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Planning Commission Meeting (9/16/03):

On their own motion, the Commission deferred this case to October 21, 2003.

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Staff (9/17/03):

The applicants were advised in writing that any significant new or revised information should be submitted no later than September 26, 2003, for consideration at the Commission's October 21, 2003, public hearing.

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Applicants (10/2/03):

Revised proffered conditions were submitted.

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Planning Commission Meeting (10/21/03):

On their own motion, the Commission deferred this case to their November 18, 2003, public hearing.

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Staff (10/22/03):

The applicants were advised in writing that any significant new or revised information should be submitted no later than October 27, 2003, for consideration at the Commission's November 18, 2003, public hearing.

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Applicants, Staff and District Commissioner (10/22/03):

A meeting was held to discuss the request. There was discussion about mitigating any adverse impact on area residential development and about uses.

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Planning Commission Meeting (11/18/03):

On their own motion, the Commission deferred this case to their December 16, 2003, public hearing.

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Staff (11/19/03):

The applicants were advised in writing any significant new or revised information should be submitted no later than November 24, 2003, for consideration at the Commission's December 16, 2003, public hearing.

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Staff (11/25/03):

To date, no new or revised information has been submitted by the applicants.

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Planning Commission Meeting (12/16/03):

At the request of the applicants, the Commission deferred this case to February 17, 2004.

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Staff (12/17/03):

The applicants were advised in writing that any significant new or revised information should be submitted no later than December 22, 2003, for consideration at the Commission's February 17, 2004, public hearing.

Also, the applicants were advised that a \$130.00 deferral fee must be paid prior to the Commission's public hearing.

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Applicants (1/5/04):

The deferral fee was paid.

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Staff (1/21/04):

To date, no new or revised information has been submitted.

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Applicant (2/17/04):

The applicant submitted revisions to proffered conditions.

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Planning Commission Meeting (2/17/04):

The applicant did not accept staff's recommendation, but did accept the Commission's recommendation. There was support and opposition present.

An adjacent property owner indicated the proposed use is preferred rather than a multifamily development; the proposal will provide the start of a road to provide traffic relief; and that wetlands concerns are addressed. Area residents speaking in opposition, expressed concerns relative to the late submission of proffers and not seeing them prior to the public hearing; impact on their neighborhood; and increased traffic.

Mr. Wilson indicated his concerns relative to transition of uses to the south have been addressed and given area zoning, he was not concerned about a transition to the east.

Mr. Gecker, noted he was not comfortable voting on a case when he had just received proffers. He also noted area citizens had not seen the new proffers.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 through 4.

AYES: Messrs. Litton, Wilson and Gulley.

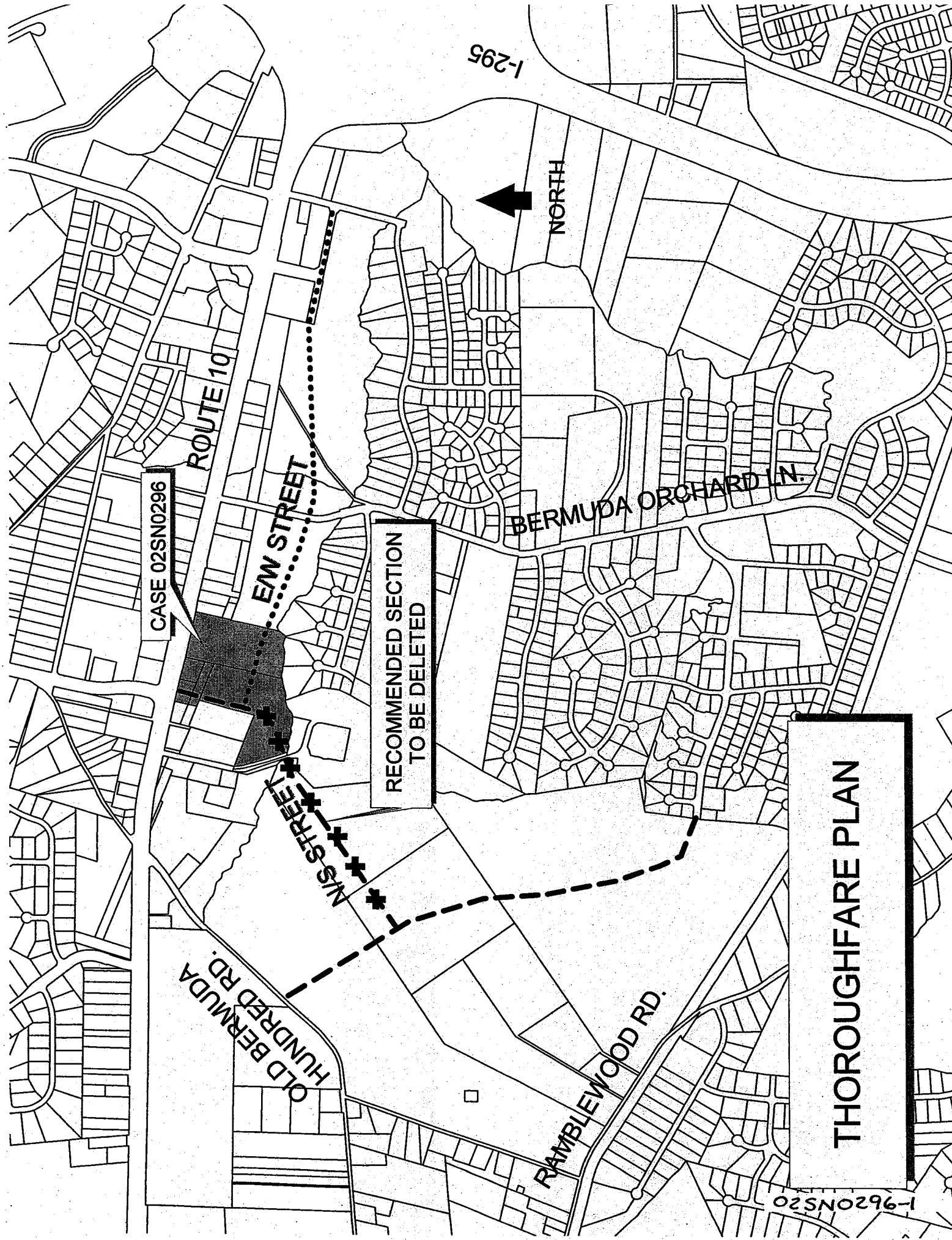
NAY: Mr. Bass

ABSTENTION: MR. GECKER.

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The Board of Supervisors, on Wednesday, March 10, 2004, beginning at 7:00 p.m., will take under consideration this request.





I-295

NORTH

ROUTE 10

BERMUDA ORCHARD LN.

CASE 02SN0296

EW STREET

RECOMMENDED SECTION  
TO BE DELETED

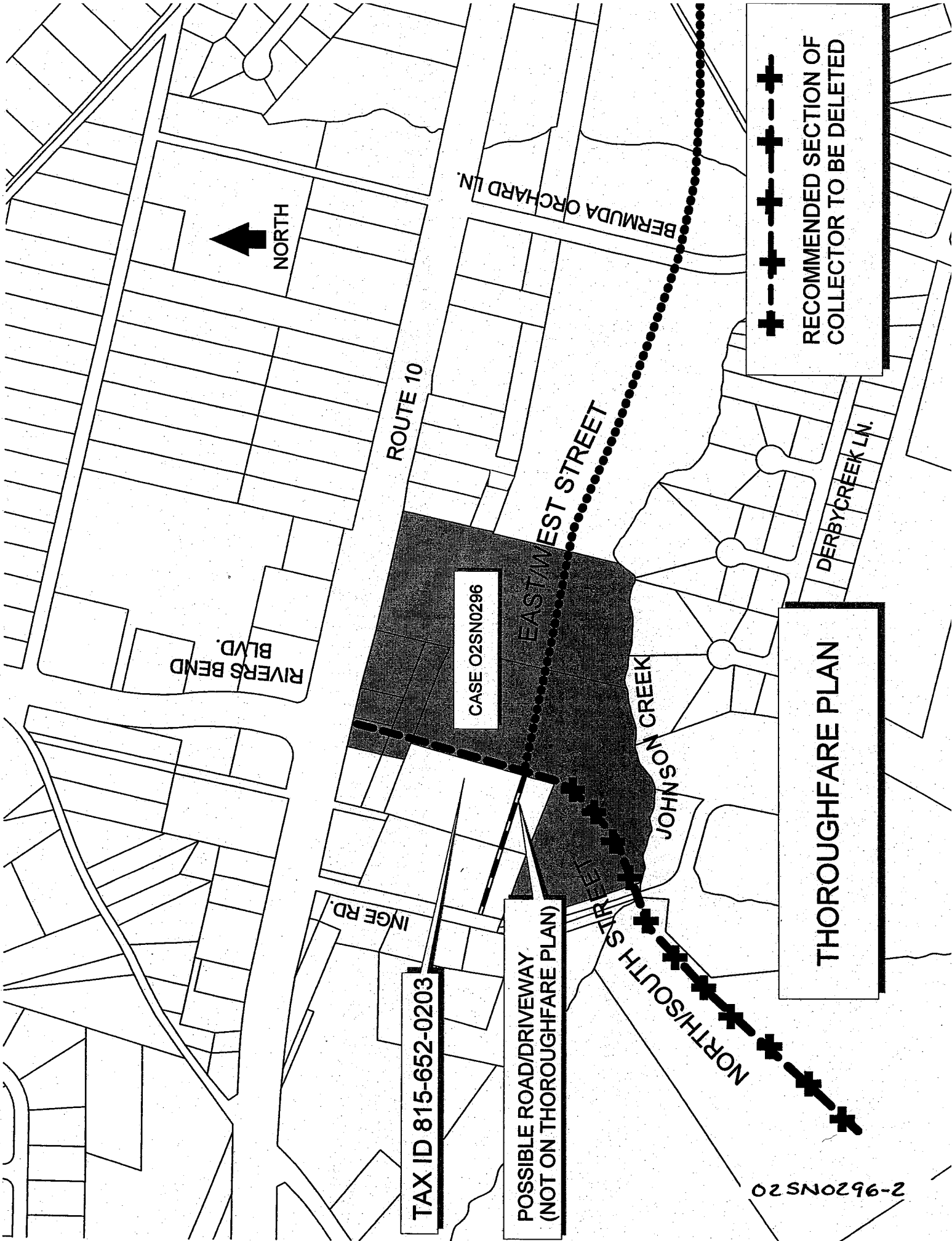
MS STREET

OLD BERMUDA  
HUNDRED RD.

RAMBLEWOOD RD.

THOROUGHFARE PLAN

I-9620NS20



TAX ID 815-652-0203

POSSIBLE ROAD/DRIVEWAY  
(NOT ON THOROUGHFARE PLAN)

CASE 02SN0296

2-9620NS20

THOROUGHFARE PLAN

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RECOMMENDED SECTION OF  
COLLECTOR TO BE DELETED